

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. <u>09-</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>August 27, 2009</u></b>
<b>CHRISTOPHER BROPHY</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1344 (bank fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1028A (aggravated identity theft - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1030(a)(2)(A) (unauthorized access of record of financial institution - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

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**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this information:

1. Citizens Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 57282.
2. Defendant CHRISTOPHER BROPHY was employed as a branch manager for Citizens Bank at a branch located in Horsham, Montgomery County, Pennsylvania, where he had access to the identity information of the bank's customers, including names, addresses, dates of birth, and account numbers, as well as account balance information.
3. From on or about January 16, 2008 to on or about February 8, 2008, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

## **CHRISTOPHER BROPHY**

conspired and agreed, with others known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute and attempt to execute a scheme to defraud Citizens Bank, in violation of Title 18, United States Code, Section 1344, and to knowingly and without lawful authority use a means of identification of another person, during and in relation to a bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), and (c)(5).

## **MANNER AND MEANS**

4. Defendant CHRISTOPHER BROPHY and his co-conspirators used stolen identification information to make fraudulent withdrawals from a victim's Citizens Bank account.

5. Defendant CHRISTOPHER BROPHY was recruited by Co-Conspirator 1, a person known to the grand jury, to provide and verify personal identifying and account information, including name, address, date of birth, account number and account balance, of a Citizens Bank account holder.

6. Defendant CHRISTOPHER BROPHY used his position at Citizens Bank to improperly access computerized information for Citizens Bank account holders, which information he provided to Co-Conspirator 1. The information provided to Co-Conspirator 1 included a victim's account number, name, address, date of birth, and account balance.

7. Co-Conspirator 1 and other individuals involved in the scheme manufactured false photographic identification in the name of a customer of Citizens Bank. The false identification contained the picture of the individual recruited to act as the "check runner"

for use in the making of fraudulent withdrawals from the account of the Citizens Bank account holder.

8. Armed with false identification and fraudulent checks, this check-runner posed as the Citizens Bank account holder and made withdrawals from the customer's account, totaling more than approximately \$31,000.

### **OVERT ACTS**

In furtherance of the conspiracy, defendant CHRISTOPHER BROPHY and his co-conspirators committed the following overt acts in the Eastern District of Pennsylvania:

1. From on or about January 16, 2008 to on or about February 8, 2008, defendant CHRISTOPHER BROPHY provided to, and verified for, Co-Conspirator 1 the bank account information of K.L., a Citizens Bank account holder, including K.L.'s name, address, date of birth, bank account number, and bank account balance.

2. From on or about February 1, 2008 to on or about February 8, 2008, Co-Conspirator 1, and R.C., a person known to the grand jury and charged elsewhere, and others, unknown to the grand jury, used the account and personal information received from defendant CHRISTOPHER BROPHY, to acquire and attempt to acquire approximately \$32,100 from Citizens Bank by presenting fraudulent identification in the name of the account holder K.L. to Citizens Bank tellers in order to make fraudulent withdrawals from Citizens Bank.

3. On or about February 2, 2008, at the direction of Co-Conspirator 1, defendant CHRISTOPHER BROPHY, using his role of Citizens Bank branch manager, approved and processed fraudulent withdrawals from the Citizens Bank account of K.L. that had been presented to him by R.C.

All in violation of Title 18, United States Code, Section 371.

## **COUNT TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 2 and 4 through 8 and Overt Acts 1 through 3 of Count One are realleged here.

2. From on or about January 16, 2008 to on or about February 8, 2008, in the Eastern District of Pennsylvania and elsewhere, defendant

### **CHRISTOPHER BROPHY**

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud Citizens Bank, and to obtain monies owned by and under the care, custody and control of Citizens Bank by means of materially false and fraudulent pretenses, representations and promises.

### **THE SCHEME**

3. On or about January 16, 2008, defendant CHRISTOPHER BROPHY improperly acquired personal and account information for Citizens Bank accounts belonging to K.L.

4. Defendant CHRISTOPHER BROPHY then provided that personal and account information to Co-conspirator 1, who, with R.C. and others, used that information to fraudulently take and attempt to take approximately \$32,100 from Citizens Bank by making fraudulent withdrawals from the Citizens Bank account of K.L.

5. In furtherance of the scheme, R.C. made or attempted to make the following fraudulent withdrawals from Citizens Bank:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
02/01/08	Philadelphia, PA	K.L.	\$1,800
02/01/08	Philadelphia, PA	K.L.	\$1,800
02/02/08	Philadelphia, PA	K.L.	\$8,500
02/02/08	Philadelphia, PA	K.L.	\$9,700
02/05/08	Philadelphia, PA	K.L.	\$1,800
02/05/08	Philadelphia, PA	K.L.	\$1,800
02/07/08	Philadelphia, PA	K.L.	\$1,900
02/07/08	Philadelphia, PA	K.L.	\$2,000
02/08/08	Philadelphia, PA	K.L.	\$1,900 (attempt)

All in violation of Title 18, United States Code, Sections 1344 and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 1, 2008, in the Eastern District of Pennsylvania, defendant

**CHRISTOPHER BROPHY**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name, address, date of birth, account number, and account information of K.L.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 16, 2008, in the Eastern District of Pennsylvania, defendant

**CHRISTOPHER BROPHY**

intentionally accessed a protected computer and exceeded authorized access, and thereby obtained information contained in a financial record of a financial institution, that is, Citizens Bank.

In violation of Title 18, United States Code, Section 1030(a)(2)(A).



## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 371 and 1344, set forth in this information, defendant

#### **CHRISTOPHER BROPHY**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this information, including, but not limited to, the sum of \$29,200.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b),

incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**MICHAEL L. LEVY**  
**United States Attorney**

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